

United States District Court  
Southern District of Texas  
FILED

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

MAY 10 2011

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA, )  
)  
*Plaintiff,* )  
)  
v. )  
)  
0.16 ACRES OF LAND, MORE OR LESS, )  
SITUATE IN CAMERON COUNTY, )  
TEXAS; AND MARIA DEL REFUGIO P. )  
TREVINO, ET AL., )  
)  
*Defendants.* )

CIVIL NO. 1:08-cv-270

TRACTS NO. RGV-FTB-1028  
RGV-FTB-1028-1

**AGREED ORDER ESTABLISHING JUST COMPENSATION WITH RESPECT TO  
TRACTS RGV-FTB-1028 AND RGV-FTB-1028-1, GRANTING POSSESSION OF  
TRACT RGV-FTB-1028-1, AND DISTRIBUTING FUNDS ON DEPOSIT IN THE  
REGISTRY OF THE COURT**

Pursuant to the Joint Motions for Orders Establishing Just Compensation, Granting Possession, and Distributing Funds on Deposit in the Registry of the Court, signed by the Plaintiff, United States of America ("United States"), and the Defendants, MARIA DEL REFUGIO P. TREVINO and RIGO TREVINO, her spouse ("Defendant"), in settlement of all claims, **IT IS HEREBY ORDERED AND ADJUDGED**, that:

1. The Court heretofore entered judgment against the United States in the amount of \$6,100.00 as full and just compensation for its taking of fee simple title in Tract RGV-FTB-1028. The parties thereafter filed their joint motion agreeing that the full and just compensation to be paid by the United States for its taking of fee simple title in Tract RGV-FTB-1028-1 shall be \$1,000.00. Therefore, in addition to the \$6,100.00 judgment heretofore entered against the United States for its taking of said estate in Tract RGV-FTB-1028, judgment shall be and is hereby entered against the

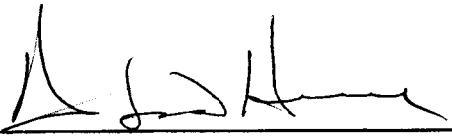
United States in an additional sum of \$1,000.00 being the full and just compensation to be paid by the United States for its taking of said estate in Tract RGV-FTB-1028-1.

3. On June 14, 2008, (herein "date of taking of Tract RGV-HRL-1028"), the Plaintiff deposited a check in the sum of \$6,100.00 into the Registry of the Court, and upon deposit of said \$6,100.00 into the Registry of the Court, fee simple title to Tract RGV-FTB-1028, more fully described in the Complaint, to the extent set forth in the Declaration of Taking, vested in the name of the United States of America, by operation of law. On April 14, 2010, (herein "date of taking for Tract RGV-FTB-1028-1"), the Plaintiff deposited a check in the sum of \$1,000.00 into the Registry of the Court, and upon deposit of said \$1,000.00, fee simple title to Tract RGV-FTB-1028-1, more fully described in the Amended Complaint, to the extent set forth in the Amendment to Declaration of Taking, vested in the name of the United States of America, by operation of law. The United States was previously found by this Court to be entitled to immediate possession of Tract RGV-FTB-1028, and is hereby found by this Court to be likewise be entitled to immediate possession of Tract RGV-FTB-1028-1, and all persons in possession or control of said properties were and are ordered by this Court to surrender possession of same to the United States forthwith..
4. The total sum of \$7,100.00 shall constitute full and just compensation and shall be in full satisfaction of any and all claims of whatsoever nature against the United States by reason of the institution and prosecution of this action and taking of Tracts RGV-FTB-1028 and RGV-FTB-1028-1, and all appurtenances thereto belonging.

5. The total sum of \$7,100.00 shall be subject to all real estate taxes, liens, encumbrances, and charges of whatsoever nature existing against Tracts RGV-FTB-1028 and RGV-FTB-1028-1 at the time of vesting of titles thereto in the United States, and all such real estate taxes, liens, encumbrances, and charges of whatsoever nature shall be payable and deductible from the said sum.
6. The Clerk of the Court shall, without further order of this Court, disburse the sum of \$1,000.00 that remains in this Court's registry, along with any interest earned on same, to Defendant.
7. Defendant, MARIA DEL REFUGIO P. TREVINO and RIGO TREVINO, her spouse, have warranted that they were the owners of Tracts RGV-FTB-1028 and RGV-FTB-1028-1 on their respective dates of taking; that they have the exclusive right to the compensation, herein; and that no other party is entitled to the same or any part thereof by reason of any unrecorded agreement.
8. In the event that any other party is ultimately determined by a court of competent jurisdiction to have any right to receive compensation for the properties taken in this case, the Defendant shall refund into the Registry of the Court the compensation distributed herein, or such part thereof as the Court may direct, with interest thereon at an annual rate provided in 40 U. S. C. 3116 (2006) from the date of receipt of the deposit by the Defendant to the date of repayment into the Registry of the Court.
9. Defendant shall be responsible for their own legal fees, costs, and expenses; including attorneys' fees, consultant's fees, and any other expenses or costs.

10. Defendant shall be responsible for the payment of any taxes or assessments owed on Tract RGV-FTB-1028 through its date of take and on Tract RGV-FTB-1028-1 through its date of take.
11. Defendant hereto shall take no appeal from any rulings or judgments made by the Court in this action, and the parties consent to the entry of all orders and judgments necessary to effectuate this stipulated judgment.
12. Defendant shall save and hold harmless the United States of America from all claims or liability resulting from any unrecorded leases or agreements affecting the subject property on the date of taking.
13. This case is hereby **CLOSED**.

**DONE AND ORDERED**, in chambers, at Brownsville, Texas, this 10<sup>th</sup>  
day of May, 2011.

  
**ANDREW S. HANEN**  
United States District Judge

